

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56002 of 2021

Arising Out of PS. Case No.-654 Year-2019 Thana- MAHUA District- Vaishali

MANOHAR RAI @ MANOHAR KUMAR S/o SHRI RAJDEO RAI @
RAJU RAI R/o VILLAGE-MAHUA RAM RAI, P.S-MAHUA, DISTRICT-
VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Mahua P.S.
Case No. 654 of 2019 registered for the offences punishable
under Sections 414/120(B) of the IPC and Sections 30(a), 32(ii),
34(ii), 41(i) of the Bihar Prohibition and Excise Act.

There is recovery of 4365 litres of illicit foreign liquor
from a truck.

Learned counsel for the petitioner submits that
petitioner has committed no offence and he has falsely been
implicated in the present case. It is further submitted that it



appears from the FIR that nothing has been recovered from conscious possession of the petitioner. He further submits that petitioner has been made accused in this case only on the basis of suspicion. It is further submitted that co-accused Sumeet Kr. Singh @ Chandan Singh @ Sumit Kumar has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 29.06.2020 passed in Cr. Misc. No. 14186 of 2020. Similarly, co-accused Ramesh Rai @ Ramesh Kumar Rai has been granted anticipatory bail by a co-ordinate Bench of this court vide order dated 03.07.2020 passed in Cr. Misc. No. 14587 of 2020. Petitioner is in custody since 17.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 654 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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